

Counsel Listed On Signature Block

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: CAPACITORS ANTITRUST
LITIGATION

Master File No. 14-CV-03264-JD

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING NON-PARTY
DISCOVERY**

THIS DOCUMENT RELATES TO:
ALL ACTIONS

1 This Stipulation and Order Regarding Non-Party Discovery (“Order”) shall govern the
2 parties in the above-captioned case and all actions that are later coordinated or consolidated with
3 this case (collectively, the “Litigation”).

4 1. Any and all definitions set forth in this Order are solely relevant and applicable for
5 purposes of this Order and the construction and interpretation thereof.

6 2. The term “Discovery Materials” shall mean any documents, data, or electronically
7 stored information or “ESI,” or tangible things received from any non-party to this Litigation in
8 response to a discovery or information request served or submitted on a non-party to this
9 Litigation, including, but not limited to, a subpoena or informal document or data request.

10 3. The term “Receiving Party” shall mean a party that receives Discovery Materials.

11 4. If the Receiving Party is a Plaintiff, the “Designated Party” shall be counsel for one
12 Defendant to be identified within one week of execution of this Stipulation. If the Receiving Party
13 is a Defendant, the “Designated Party” shall be lead counsel for the Indirect Purchaser Plaintiffs
14 and/or lead counsel for the Direct Purchaser Plaintiffs, depending on the action to which the
15 Discovery Materials pertain.

16 5. The Receiving Party shall promptly serve any Discovery Materials as defined
17 above upon the Designated Party, and in no event later than seven business days after receipt of
18 the Discovery Materials.

19 6. If the Receiving Party intends to utilize the Discovery Materials prior to the
20 deadline for service set forth in Paragraph 5 in connection with motion practice, depositions, or
21 appearances before, or submissions to, the Court, the Receiving Party shall serve the Discovery
22 Materials upon the Designated Parties at least forty-eight (48) hours in advance of such use of the
23 Discovery Materials.

24 7. Discovery Materials shall be served by a Receiving Party on the Designated Parties
25 in the same form and format in which they were received from the non-party.

1 8. Any Receiving Party that has obtained any Discovery Materials as defined above
2 prior to the execution of this Order shall serve such Discovery Materials upon the Designated
3 Parties within five business days after this Order is so-ordered by the Court.

4 9. Nothing in this Stipulation shall constitute a waiver or admission by any party,
5 except as stated in this Stipulation, and all defenses, including, but not limited to, the defense of
6 lack of personal jurisdiction, are preserved.

7 10. This Order is binding on all parties to Master File No. 14-CV-03264, including all
8 current or future parties. This Order may be modified only by stipulation and order, or by order of
9 the Court for good cause shown.

10 The undersigned parties jointly and respectfully request that the Court enter this Proposed
11 Order as an order.

12 **IT IS SO STIPULATED**, through Counsel of Record.

13 Date: September 22, 2015

JOSEPH SAVERI LAW FIRM, INC

14
15 By: /s/ Joseph R. Saveri
Joseph R. Saveri

16 Joseph R. Saveri (State Bar No. 130064)
17 Andrew M. Purdy (State Bar No. 261912)
18 Matthew S. Weiler (State Bar No. 236052)
19 James G. Dallal (State Bar No. 277826)
20 Ryan J. McEwan (State Bar No. 285595)
21 505 Montgomery Street, Suite 625
22 San Francisco, California 94111
23 Telephone: (415) 500-6800
24 Facsimile: (415) 395-9940
Email: jsaveri@saverilawfirm.com
apurdy@saverilawfirm.com
mweiler@saverilawfirm.com
jdallal@saverilawfirm.com
rmcewan@saverilawfirm.com

25 *Interim Lead Class Counsel for Direct*
26 *Purchaser Plaintiffs*

27 Date: September 22, 2015

COTCHETT PITRE & McCARTHY, LLP

By: /s/ Steven N. Williams
Steven N. Williams

Joseph W. Cotchett (State Bar No. 36324)
Steven N. Williams (State Bar No. 175489)
Elizabeth Tran (State Bar No. 280502)
Joyce Chang (State Bar No. 300780)
840 Malcolm Road, Suite 200
Burlingame, California 94010
Telephone: (650) 697-6000
Facsimile: (650) 697-0577
Email: jcotchett@cpmlegal.com
swilliams@cpmlegal.com
etran@cpml egal .com
jchang@cpmlegal. com

*Interim Lead Counsel for the Indirect
Purchaser Plaintiffs*

Date: September 22, 2015

MINTZ LEVIN COHN FERRIS GLOVSKY AND
POPEO PC

By: /s/ Bruce D. Sokler
Bruce D. Sokler

Bruce D. Sokler (*admitted pro hac vice*)
701 Pennsylvania Avenue NW Suite 900
Washington, DC 20004
202-434-7303
Fax: 202-434-7400
Email: bdsokler@mintz.com

Attorneys for Defendant AVX Corporation

Date: September 22, 2015

WILMER CUTLER PICKERING HALE AND
DORR LLP

By: /s/ Heather S. Tewksbury
Heather S. Tewksbury

Heather S. Tewksbury
950 Page Mill Road
Palo Alto, CA 94304
(650) 858-6134 Fax: (650) 858-6100
Email: heather.tewksbury@wilmerhale.com

*Attorney for Defendants Elna Co. Ltd. and
Elna America Inc.*

Date: September 22, 2015

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Jonathan M. Jacobson
Jonathan M. Jacobson

Jonathan M. Jacobson
Chul Pak (*admitted pro hac vice*)
Jeffrey C. Bank (*admitted pro hac vice*)
Justin A. Cohen (*admitted pro hac vice*)
1301 Avenue of the Americas, 40th Floor
New York, New York 10019
Telephone: (212) 497-7758
Facsimile: (212) 999-5899
jjacobson@wsgr.com
cpak@wsgr.com
jbank@wsgr.com
jcohen@wsgr.com

Jeff VanHooreweghe (*admitted pro hac vice*)
1700 K Street, N.W., Fifth Floor
Washington, DC 20006
Telephone: (202) 973-8825
Facsimile: (202) 973-8899
jvanhooreweghe@wsgr.com

*Attorneys for Defendants Hitachi Chemical
Co., Ltd., Hitachi Chemical Company
America, Ltd., and Hitachi AIC
Incorporated*

Date: September 22, 2015

PILLSBURY WINTHROP SHAW PITTMAN
LLP

By: /s/ Roxane A. Polidora
Roxane A. Polidora

Roxane A. Polidora (CA Bar No. 135972)
Jacob R. Sorensen (Ca Bar No. 209134)
Four Embarcadero Center, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 983-1000
Email: roxane.polidora@pillsburylaw.com

jake.sorensen@pillsburylaw.com

*Attorneys for Defendants KEMET Corporation and
KEMET Electronics Corporation*

Date: September 22, 2015

DENTONS US LLP

By: /s/ Bonnie Lau
Bonnie Lau

Bonnie Lau
525 Market Street, 26th Floor
San Francisco, CA 94105
415-882-5000
Fax: 415- 882-0300
Email: bonnie.lau@dentons.com

Attorneys for Defendant Matsuo Electric Co., Ltd.

Date: September 22, 2015

GIBSON, DUNN & CRUTCHER LLP

By: /s/ George A. Nicoud III
George A. Nicoud III

GEORGE A. NICOUD III, SBN 106111
AUSTIN V. SCHWING, SBN 211696
ELI M. LAZARUS, SBN 284082
aschwing@gibsondunn.com
tnicoud@gibsondunn.com
elazarus@gibsondunn.com
555 Mission Street, Suite 3000
San Francisco, CA 94105-0921
Telephone: 415.393.8200
Facsimile: 415.393.8306

MATTHEW PARROTT, SBN 302731
mparrott@gibsondunn.com
3161 Michelson Drive
Irvine, CA 92612-4412
Telephone: 949.451.3800
Facsimile: 949.451.4220

*Attorneys for Defendants NEC TOKIN Corporation
and NEC TOKIN America, Inc.*

Date: September 22, 2015

K&L GATES LLP

By: /s/ Michael E. Martinez
Michael E. Martinez

Scott M. Mendel (*pro hac vice*)
Steven M. Kowal (*pro hac vice*)
Michael E. Martinez (*pro hac vice*)
Lauren N. Norris (*pro hac vice*)
Lauren B. Salins (*pro hac vice*)
70 West Madison Street, Suite 3100
Chicago, IL 60602
Telephone: (312) 372-1121
Facsimile: (312) 827-8000

*Counsel for Defendants Nichicon Corporation,
Nichicon (America) Corporation, and FPCAP
Electronics (Jeffrey L. Kessler Suzhou) Co., Ltd.*

Date: September 22, 2015

WINSTON & STRAWN LLP

By: /s/ Jeffrey L. Kessler
Jeffrey L. Kessler

Jeffrey L. Kessler (*pro hac vice*)
A. Paul Victor (*pro hac vice*)
Molly M. Donovan (*pro hac vice*)
Mollie C. Richardson (*pro hac vice*)
200 Park Avenue
New York, New York 10166
Telephone: (212) 294-4698
Facsimile: (212) 294-4700
jkessler@winston.com
pvictor@winston.com
mmdonovan@winston.com
mrichardson@winston.com

Ian L. Papendick (State Bar No. 275648)
101 California Street
San Francisco, CA 94111
Tel: (415) 591-6905
Fax: (415) 591-1400
ipapendick@winston.com

*Counsel for Defendants Panasonic Corporation,
Panasonic Corporation of North America, SANYO
Electric Co., Ltd., and SANYO North America*

Corporation

Date: September 22, 2015

O'MELVENY & MYERS LLP

By: /s/ Michael F. Tubach
Michael F. Tubach

Michael F. Tubach (SBN 145955)
Christina J. Brown (SBN 242130)
Two Embarcadero Center, 28th Floor
San Francisco, CA 94111-3305
Telephone: (415) 984-8700
Facsimile: (415) 984-8701
Email: mtubach@omm.com
Email: cjbrown@omm.com

Kenneth R. O'Rourke (SBN 120144)
400 South Hope Street, 18th Floor
Los Angeles, CA 90071
Telephone: (213) 430-6000
Facsimile: (213) 430-6407
Email: korourke@omm.com

*Attorneys for Defendants ROHM Co., Ltd. and
ROHM Semiconductor U.S.A., LLC*

Date: September 22, 2015

HUNTON AND WILLIAMS LLP

By: /s/ Djordje Petkoski
Djordje Petkoski

Djordje Petkoski
2200 Pennsylvania Avenue, NW
Washington, DC 20037
202-955-1500
Email: dpetkoski@hunton.com

*Attorneys for Defendants Rubycon Corporation and
Rubycon America Inc.*

Date: September 22, 2015

CADWALADER, WICKERSHAM & TAFT LLP

By: /s/ Charles F. Rule
Charles F. Rule

Charles F. Rule (admitted pro hac vice)
Joseph J. Bial (admitted pro hac vice)
Daniel J. Howley (admitted pro hac vice)
700 6th St, NW
Washington, DC 20001
Telephone: (202) 862-2200
Facsimile: (202) 862-2400
rick.rule@cwt.com
joseph.bial@cwt.com
daniel.howley@cwt.com

Attorneys for Defendants Nippon Chemi-Con Corporation and United Chemi-Con, Inc.

Date: September 22, 2015

BONA LAW PC

By: /s/ Jarod M. Bona
Jarod M. Bona

Jarod M. Bona
Aaron R. Gott
One Metro Center
4275 Executive Square, #200
La Jolla, California 92037
Telephone: 858.964.4589
Facsimile: 858.964.2301
Email: jarod.bona@bonalawpc.com
Email: aaron.gott@bonalawpc.com

Attorneys for Taitso Corporation and Taitso America, Inc.

Date: September 22, 2015

MORRISON & FOERSTER LLP

By: /s/ Paul T. Friedman
Paul T. Friedman

Paul T. Friedman
Michael P. Kniffen
425 Market Street
San Francisco, California 94105-2482
Telephone: 415.268.7000
Facsimile: 415.268.7522
Email: PFriedman@mofo.com
Email: MKniffen@mofo.com

Jeffrey A. Jaeckel
2000 Pennsylvania Avenue, NW Suite 6000
Washington, District of Columbia 20006-1888
Telephone: 202.887.1500
Facsimile: 202.887.0763
Email: JJaeckel@mofo.com

*Attorneys for Defendants Fujitsu Limited,
Fujitsu Semiconductor America, Inc., and
Fujitsu Components America, Inc.*

Date: September 22, 2015

JONES DAY

By: /s/ Eric P. Enson
Eric P. Enson

Jeffrey A. LeVee (State Bar No. 125863)
jleeve@JonesDay.com
Eric P. Enson (State Bar No. 204447)
epenson@JonesDay.com
Rachel H. Zernik (State Bar No. 281222)
rzernik@jonesday.com
555 South Flower Street, Fiftieth Floor
Los Angeles, CA 90071.2300
Telephone: +1.213.489.3939
Facsimile: +1.213.243.2539

*Counsel for Defendants Holy Stone
Enterprise Co., Ltd. and Milestone Global
Technology, Inc.*

Date: September 22, 2015

BAKER & MCKENZIE LLP

By: /s/ Darrell Prescott
Darrell Prescott

Douglas Tween (admitted *pro hac vice*)
Darrell Prescott (admitted *pro hac vice*)
Catherine Y. Stillman (SBN 252440)
452 Fifth Avenue
New York, NY 10018
(212) 626-4355
Fax: (212) 310-1655
Email: Douglas.Tween@bakermckenzie.com
Email: Darrell.Prescott@bakermckenzie.com

Colin H. Murray (SBN 159142)
Two Embarcadero Center, 11th Floor
San Francisco, CA 94111
(415) 591-3244
Fax: (415) 576-3099
Email: Colin.Murray@bakermckenzie.com

Meghan E. Hausler (*admitted pro hac vice*)
2300 Trammell Crow Center
2001 Ross Avenue
Dallas, TX 75206
Telephone: (214) 965-7219
Facsimile: (214) 965-5937
Email: Meghan.Hausler@bakermckenzie.com

*Attorneys for Defendants Okaya Electric Industries
Co., Ltd. and Okaya Electric America, Inc.*

Date: September 22, 2015

HUGHES HUBBARD & REED LLP

By: /s/ Ethan E. Litwin
Ethan E. Litwin

Ethan E. Litwin (*admitted pro hac vice*)
Sigrid U. Jernudd
Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, NY 10004-1482
Tel: (212) 837-6000
Fax: (212) 422-4726
Email: Ethan.Litwin@hugheshubbard.com
Email: Sigrid.Jernudd@hugheshubbard.com

David H. Stern (CA Bar No. 196408)
Carolyn Sahimi (CA Bar No. 260312)
Hughes Hubbard & Reed LLP
350 South Grand Avenue
Los Angeles, CA 90071-3442
Tel: (213) 613-2800
Fax: (213) 613-2950
Email: David.Stern@hugheshubbard.com
Email: Carolyn.Sahimi@hugheshubbard.com

*Attorneys for Defendants Soshin Electric Co., Ltd.
and Soshin Electronics of America, Inc.*

1 Date: September 22, 2015

LATHAM & WATKINS LLP

2
3 By: /s/ Belinda S. Lee
Belinda S. Lee

4 Belinda S Lee
5 Ashley M. Bauer
6 505 Montgomery Street, 20th Floor
7 San Francisco, CA 94111
8 Telephone: 415-391-0600
9 Facsimile: 415-395-8095
belinda.lee@lw.com
ashley.bauer@lw.com

10 *Attorneys for Defendant Nitsuko Electronics*
Corporation

11 Date: September 22, 2015

DENTONS US LLP

12
13 By: /s/ Gaspare J. Bono
14 Gaspare J. Bono

15 Gaspare J. Bono (*admitted pro hac vice*)
16 Stephen M. Chippendale (*admitted pro hac vice*)
17 Claire M. Maddox (*admitted pro hac vice*)
18 1900 K St., NW
19 Washington, DC 20006
20 Tele. : (202) 496-7500
Fax: (202) 496-7756
Gap.Bono@dentons.com
Stephen.Chippendale@dentons.com
Claire.Maddox@dentons.com

21 Andrew S. Azarmi (SBN 241407)
22 Spear Tower, One Market Plaza, 24th Fl.
23 San Francisco, CA 94105
24 Tele.: (415) 267-4000
Fax: (415)356-3873
Andrew.Azarmi@dentons.com

25 *Attorneys for Defendants Shinyei Kaisha, Shinyei*
26 *Technology Co., Ltd., Shinyei Capacitor Co., Ltd.,*
27 *and Shinyei Corporation of America, Inc.*

28 Date: September 22, 2015

DAVIS WRIGHT TREMAINE LLP

By: /s/ Allison A. Davis
Allison A. Davis

Allison A. Davis
Sanjay M. Nangia
505 Montgomery Street, Suite 800
San Francisco, CA 94111
Tele.: 415-276-6500
Fax: 415-276-4880
allisondavis@dwt.com
sanjaynangia@dwt.com

Nick S. Verwolf
777 108th Avenue NE, Suite 2300
Bellevue, WA 98004
Tele.: 425-646-6125
Fax: 425-646-6199
nickverwolf@dwt.com

*Attorneys for Defendants Shizuki Electric Co., Ltd.
and American Shizuki Corporation*

IT IS SO ORDERED.

DATED: October 5, 2015

Hon. Jam

